

REMARKS

Claims 1-21 are currently pending. Claims 1, 8, 9, 12, 13, 19 and 20 are amended. Claim 21 has been newly added. No new matter is believed to have been introduced through the various claim amendments and the new claim. Further, upon belief, it is submitted that this paper is fully responsive to the outstanding Office Action.

Specification

The Specification is amended as indicated above to correct a typographical error.

Claim Rejections - 35 U.S.C. §101

Claim 20 was rejected under 35 U.S.C. §101 because claims 1, 14 and 16 recited the element of “a program” which reads in light of specification amounts to nothing more than computer software void of a computer readable medium.

The rejection is respectfully traversed.

Claim 20 is amended as appropriate to overcome the rejection. It is respectfully submitted that the claim now even more fully satisfies the statutory requirements under 35 U.S.C. §101.

Claim Rejections - 35 U.S.C. §102

Claims 1-7, 10, 11 and 14-20 were rejected under 35 U.S.C. §102(e) as being anticipated by Dietz et al. (USP 7,319,869 B2).

The rejection is respectfully traversed.

Claim 1 is amended to recite, “a recording unit operable, when playback of a broadcast program being received is disabled by the communication function, to record the broadcast program in the memory as broadcast data including audio data and video data, the communication function having priority over the playback.” Support for the aforementioned recitation of claim 1 may be found in at least page 16, lines 16-22 of the Specification of the present application. It is respectfully submitted that the cited art fails to describe or teach at least the aforementioned recitation of claim 1.

Dietz is related to a method and apparatus for managing audio broadcasts in an automobile and describes recording an audio broadcast to form recorded audio presentation data in response to detecting a mobile phone call. (Dietz; Abstract). In the outstanding Office Action at item 8, the Examiner correlates the recording unit of claim 1 of the present application with that of the record button element 408 associated with CPU 200, FIG. 2 of Dietz.

In the cited portion of Dietz, regarding the aforementioned correlation of the recording unit of claim 1 with Dietz at (Fig. 1, col. 2, line 66 – col. 3, line 13; col. 5, lines 34-52), Dietz describes storing only an audio broadcast as evidenced by the following, “The mechanism of the present invention will store or record an audio broadcast when a mobile phone call is received.” (Dietz; column 3, lines 2-4). Furthermore, the cited portion of Dietz states, “Thus, the present invention provides an improved method, apparatus, and computer instructions for managing presentation of audio broadcasts and mobile phone calls.” (Dietz; column 5, lines 34-36). Accordingly, Dietz relates to only storing audio, rather than video and audio together.

In view of the foregoing, it is respectfully submitted that the cited art fails to describe or teach at least the recitation of claim 1 of, “a recording unit operable, when playback of a broadcast program being received is disabled by the communication function, to record the broadcast program in the memory as broadcast data including audio data and video data, the communication function having priority over the playback.”

Additionally, independent claims 19 and 20 are amended somewhat similarly to that of independent claim 1. Although the above comments over Dietz are specifically directed toward independent claim 1, the comments are applicable where appropriate toward independent claims 19 and 20.

Further, claims 2-18 which depend either directly or indirectly from independent claim 1, are allowable for at least the reason of their dependency therefrom, and further due to the additional features that they recite. Separate and individual consideration of the dependent claims is respectfully requested.

In view of the foregoing, it is respectfully submitted that the rejection is overcome.

New Claim

New claim 21 is added herein, and recites, “a mobile terminal comprising: a broadcast wave receiving unit operable to receive a broadcast wave; a playback unit operable to play back broadcast data including audio data and video data, based on the broadcast wave; a recording unit operable to record the broadcast data when the playback of the broadcast data by the playback unit is interrupted by execution of a function that has priority over the playback; a control unit

operable, when the playback is restarted, to control the playback unit to display, on a display, video data of a predetermined part of the recorded broadcast data and information that urges input of an instruction to play back the recorded broadcast data, wherein the playback unit is able to play back the recorded broadcast data at a standard playback speed and a playback speed higher than the standard playback speed.”

It is respectfully submitted that the cited art fails to describe at least the aforementioned recitations of new claim 21, and accordingly, it thereby patentable.

Allowable Subject Matter

Claims 8, 9, 12 and 13 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Applicants graciously thank the Examiner for their indication of allowable subject matter. However, in view of the claim amendments and corresponding arguments, it is submitted that the claims as herein presented are patentable over the cited art.

In view of the aforementioned amendments and accompanying remarks, Applicants submit that the claims, as herein amended, are in condition for allowance. Applicants request such action at an early date.

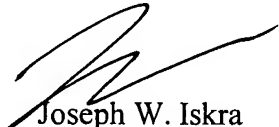
Application No.: 10/598,677
Art Unit: 2618

Amendment Under 37 C.F.R. §1.111
Attorney Docket No.: 062981

If the Examiner believes that this application is not now in condition for allowance, the Examiner is requested to contact Applicants' undersigned attorney to arrange for an interview to expedite the disposition of this case.

If this paper is not timely filed, Applicants respectfully petition for an appropriate extension of time. The fees for such an extension or any other fees that may be due with respect to this paper may be charged to Deposit Account No. 50-2866.

Respectfully submitted,
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